

Remarks

Claims 1-4, 6-12, 15-21 and 23-26 are presented for prosecution and stand rejected under 35 USC 103(a) as allegedly being unpatentable over Bakalash, US 6,385,604 or admitted prior art, in view of Brickell, US 6,678,676. Applicant has herein amended claims 1, 10, and 19.

Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

Applicant respectfully traverses the 35 USC 103(a) rejections and submits that all claims are allowable of the cited art. “To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP 706.02(j).

With regard to claim 1 (and similarly claims 10 and 19), Applicant respectfully submits that the prior art fails to teach or suggest all of the claim limitations. Claim 1 recites, *inter alia*, “wherein the performance measure for a proposed summary table is determined by identifying a first set of execution queries that utilized characteristics exactly matching a proposed summary table, identifying a second set of execution queries

that utilized different subsets of characteristics found in the proposed summary table, and merging performance data from first set of execution queries with performance data from the second set of execution queries.”

In other words, claim 1 identifies execution queries having characteristics that match a proposed summary and execution queries having subsets of the matching characteristics. The performance measure for the proposed summary table is determined by merging the performance data from both. Nowhere does the cited art teach or suggest the merging of performance data in this manner. As such, Applicant submits that independent claims 1, 10 and 19 are allowable over the cited combination.

Moreover, with respect to claims 1 and 10, Applicant claims “identifying a first set of execution queries that utilized characteristics *exactly* matching a proposed summary table.” Accordingly, the application of “inexact match summary tables” is not proper in the context of the claimed invention since inexact match summary tables do not exactly match the characteristics in the submitted query. Thus, even if, *arguendo*, one submits that the “other summary tables” in Brickell are subsets of the inexact match summary tables, as proposed by the Examiner, the teachings of Brickell fail to teach or suggest the present invention since, as noted above, inexact match summary tables do not exactly match the submitted query. Accordingly, for these reasons, Applicant submits that claims 1 and 10 are further allowable over the art of record.

The dependent claims not specifically discussed herein are believed allowable for the reasons stated above, as well as for their own additional features.

Applicant respectfully submits that the application is in condition for allowance. If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Hoffman", followed by a horizontal line.

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